

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUSTIN PATRICK KLINE,

Defendant.

CR 20–12–BU–DLC

ORDER

Before the Court is Defendant Justin Patrick Kline’s Unopposed Motion for Briefing Schedule to Address Applicable Statutory Penalty. (Doc. 29.) On September 15, 2020, Mr. Kline filed an Unopposed Motion to Change Plea from not guilty to guilty on the sole count of the Indictment. (Doc. 20.) This motion (Doc. 20) was referred to Magistrate Judge Kathleen L. DeSoto who subsequently set a hearing on the motion for September 29, 2020. (Docs. 22–23.)

At this hearing, a disagreement between Mr. Kline and the United States arose regarding whether he is subject to the 15-year mandatory minimum provided for under 18 U.S.C. § 924(e). As such, the hearing was terminated, and Mr. Kline did not enter a guilty plea. (Doc. 28.) Mr. Kline now moves this Court for a briefing schedule on the issue of whether Mr. Kline is subject to the 15-year mandatory minimum provided for under 18 U.S.C. § 924(e). (Doc. 29 at 2.)

Accordingly, IT IS ORDERED that the motion (Doc. 29) is GRANTED.

IT IS FURTHER ORDERED that on or before October 23, 2020, Mr. Kline shall file an opening brief on the issue of whether he is subject to the 15-year mandatory minimum provided for under 18 U.S.C. § 924(e). The United States shall file a response brief on or before November 6, 2020. Mr. Kline may file a reply brief on or before November 13, 2020.

DATED this 1st day of October, 2020.



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Dana L. Christensen, District Judge  
United States District Court